

REMARKS

Claims 1, 3, 4, 6, 7, 9-14 and 16-25 are pending. Independent claims 1, 14 and 22 have been amended to remove language not necessary to distinguish the claims over the prior art, and therefore, do not raise any new issues that would require further consideration. For the reasons presented below, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

Rejection Under 35 U.S.C. §101

Claim 23 was rejected under 35 U.S.C. §101 for allegedly being non-statutory because the specification does not define "computer readable medium" as including tangible media such as a physical storage device. Applicant respectfully traverses.

The specification of the instant application provides a description of an exemplary computer system, illustrated in FIG. 1, within which embodiments of the invention can be implemented. (Specification at page 4, lines 6-8). In particular, the specification describes a computer (2) that includes a Central Processing Unit (CPU) (6), a main memory (e.g., Random Access Memory (RAM)) (8), a static memory (e.g., Read Only Memory (ROM)) 10, and a storage device, such as a magnetic or optical disk (12). (Specification at page 4, lines 13-17). Further the specification provides that the CPU (6) communicates with each of the forms of memory via an internal bus (14). (Specification at page 4, lines 17-18). Persons of skill in the art will understand that typical CPU "communications" can include reading and writing from/to the various forms of memory.

Thus, contrary to the rejection, the specification does describe various forms of computer readable media, including tangible media, such as a physical storage

device. For at least these reasons, Applicant submits that claim 23 recites statutory subject matter and respectfully requests that the rejection of claim 23 under 35 U.S.C. § 101 be withdrawn.

Rejection Under 35 U.S.C. §103

Claims 1, 3, 4, 6, 7, 9-14 and 16-25 were rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over U.S. Patent No. 5,724,492 to Matthews III, et al. ("Matthews"). Applicant respectfully traverses.

Claim 1 recites a method for providing a transition between two or more menu bars that includes, among other features, "detecting a change between active applications running on a computer from a first application having a first menu bar currently displayed to a second application having a second menu bar to be displayed," and "providing visual notification of the change between active applications by rendering animation graphics to animate a transition between the first and second menu bars such that differences between the first menu bar and the second menu bar are apparent."

For example, as described in the specification of the instant application, as different applications (e.g., word processing, drawing, and other programs) are activated and deactivated by a user, or brought to the foreground and pushed to the background, the menu options in a menu bar change to display commands associated with a current application (i.e., the application in the foreground of the computer's OS GUI), at times making it difficult for the user to immediately recognize that the menu bar has changed. (Specification at page 5, lines 6-9 and page 6, lines 17-18 and 21-22). Thus, to avoid such difficulties, the specification describes

animating the change between the menu bars of the different applications in such a manner that the user would immediately recognize that a change in the menu bar has taken place. (Specification at page 6, lines 23-27).

Obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. (MPEP § 2143.01(I), citing *In re Kahn*, 441 F.3d 977, 986 (Fed. Cir. 2006)). The teaching, suggestion, or motivation must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (MPEP § 2143.01(I)). "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000).

Matthews involves solving the problem of conserving display space in environments, such as hand held computers and interactive TV, by using a three-dimensional menu object having more than one panel. (See, Matthews at col. 18, lines 9-11, col. 13, lines 34-37, FIGS. 11-12). Additionally, Matthews describes solving the problem of indicating to a user the presence of the other panels, as well as convincing the user that the menu object is a three-dimensional representation, by providing animated three-dimensional images during the three-dimensional menu object's open, close and panel-to-panel transitions. (Matthews at col. 18, lines 10-18 and 36-40, and FIGS. 11-12).

The Office indicates that, while Matthews fails to clearly teach the step of detecting a change between active applications running on a computer,

implementations in which detecting a change between active applications running on a computer were well-known in the computer art, and that it would have been obvious, at the time the invention was made, to combine the well-known implementations to enhance the transition of the menu system in Matthews. (See, final Office action at pages 4-9). Applicant respectfully disagrees.

Even if, *arguendo*, implementations in which detecting a change between active applications running on a computer were well-known in the art, Applicant submits that, due to the nature of the problem being solved in Matthews, there would have been no motivation to combine such teachings with the three-dimensional menu object described in Matthews. As described above, Matthews is concerned with conserving screen space and convincing the user that the menu object is a three-dimensional object having several panels, not with alleviating potential user difficulties due to unexpected menu option changes in the menu bar when the user accidentally changes which application is current. In fact, as the Office points out, Matthews describes how a viewer uses a stylus to intentionally view different menu panels and select desired menu items, as well as to intentionally dismiss the three-dimensional menu object. (Matthews at col. 18, lines 62-63 and col. 19, lines 25-32). In other words, in Matthews, user confusion regarding changing menu options in a menu bar is not apparent.

Further, Applicant disagrees that enhancing the transition of the menu system provides adequate motivation for combining the step of detecting a change between active applications running on a computer with the three-dimensional menu object described in Matthews, as suggested by the Office. There are no apparent reasons expressed in Matthews to suggest that detecting a change between active

applications running on a computer would somehow enhance the opening and closing and panel-to-panel transitions of the three-dimensional menu object, nor does the Office provide any such reasons.

Thus, Applicant submits that Matthews lacks implicit motivation to combine the three-dimensional menu bar object having several panels with the step of "detecting a change between active applications running on a computer from a first application having a first menu bar currently displayed to a second application having a second menu bar to be displayed," as recited in claim 1. For at least these reasons, Applicant submits that claim 1, as well as claims 3, 4, 6, 7, 9-13 and 24, which depend therefrom, are patentable over Matthews. Likewise, for reasons analogous to those presented for claim 1, Applicant submits that claim 14, claims 16-22 and 25, which depend therefrom, and claim 23 are also patentable over Matthews. Accordingly, Applicant respectfully requests that the rejection of claims 1, 3, 4, 6, 7, 9-14 and 16-25 under 35 U.S.C. §103(a) in view of Matthews be withdrawn.

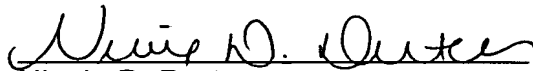
In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicant's undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

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